NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2526 of 2017

Sanjay Rathore S/o Nandlal Rathore, Aged About 35 Years Caste Rathore, R/o Village Asauda, Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicant — Mr. Arun Kochar, Adv.
For Respondent/State — Mr. Arvind Shukla, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

27/04/2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 5-4-2017 in connection with Crime No. 100/2017 registered in PS Sakti, Distt. Janjgir Champa for offence punishable under Section 34 sub-section (2) of the CG Excise Act.
3. Learned counsel for the applicant submits that charge sheet is not yet filed and the applicant is remanded by the JMFC, Sakti. The applicant is the first offender. This is his first bail application before this Court. As per prosecution case, 12.600 bulk litre liquor has been seized from the conscious possession of the applicant without any licence or permission. If bail is granted, he will not repeat the offence. Therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender with no

criminal antecedent, and he is in jail for last 22 days, charge sheet is not yet filed, I am inclined to allow instant MCRC. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Sakti, Distt. Janjgir Champa, CG for his appearance before the said Court regularly as and when directed by the said Court.

7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak